

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

DAVID L. PEMBERTON, SR.,
TRUSTEE, etc.,

Plaintiff,

vs.

Civil Action 2:10-CV-850
Judge Sargus
Magistrate Judge King

MOORE & COMPANY CAPITAL
MANAGEMENT, LLC., et al.,

Defendants.

ORDER


Plaintiff has filed an application for entry of default. Doc. No. 11. However, that application is based, inter alia, on summonses that were not issued by the Clerk of this Court. Doc. Nos. 4, 5.

Rule 4(c) of the Federal Rules of Civil Procedure requires that "[a] summons must be served with a copy of the complaint." In order to be valid, a summons must "be signed by the clerk; and . . . bear the court's seal." Fed. R. Civ. P. 4(a)(1)(F), (G).

Because the summonses in this case were not valid and service was therefore no proper, plaintiff's application for default, Doc. No. 11, and motion for default judgment, Doc. No. 9, are **DENIED**.

Plaintiff shall promptly arrange for effective service of process in compliance with Fed. R. Civ. P. 4.

12-16-2010
Date



Edmund A. Sargus, Jr.
United States District Judge